

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Charlottesville Division – In Admiralty**

ATLANTIC SPECIALTY INSURANCE COMPANY,

Plaintiff,

v.

Civil Action No. 3:21-cv-00002

BOGDAN ANDREI BINDEA,

Defendant.

**MOTION TO COMPEL THIRD-PARTY DEFENDANT,
JOHN UHR, TO COMPLY WITH DEPOSITION NOTICE AND ALTERNATIVE
REQUEST FOR MERITS SANCTIONS**

NOW COMES, Defendant and Third-Party Plaintiff, Bogdan Bindea (“Bindea”), through undersigned counsel, who respectfully submits this Motion to Compel Third-Party Defendant, John Uhr (“Uhr”), to Comply with Deposition Notice and Alternative Request for Merits Sanctions.

For the reasons expressed more fully in the accompanying memorandum in support, which is incorporated herein by reference, this Court should issue an order compelling Uhr to: (1) appear for a deposition in this matter as he refused to voluntarily appear on March 16, 2022 pursuant to a properly issued notice of deposition; and (2) provide all materials that are responsive to the requests for documents propounded on Uhr in the deposition notice. Alternatively, Bindea requests that the Court impose merits sanctions on Uhr pursuant to Fed. R. Civ. P. 37(d) by ordering that certain allegations in Bindea’s Third-Party Complaint that pertain to Uhr – namely, the allegations in ¶¶12-15, ¶¶21-22, ¶¶25-30, ¶34, ¶37, and ¶38 of the Third-Party Complaint – be deemed as true for purposes of this lawsuit.

Dated: May 31, 2022

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